IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4235 OF 2005

Ashwin Pawankumar Agarwal ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.B.D.Joshi for the Applicant
Ms M.M.Deshmukh, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JULY 12,2005.

P.C.:

1. Heard Counsel appearing for the parties. F.I.R. is recorded by one Lalit Chandrakant Patil regarding the incident dated 7th June 2005. His case is that two of the accused by forcibly puting him on a two wheeler took him to a place where the Applicant and other accused were present. The allegation is that the Applicant and other accused had consumed liquor. When the complainant tried to run away, the Applicant and other 10 to 12 accused assaulted him by fist blows and kicks and also by leather belt and one of them assaulted him by using stone. When one Asif tried to intervene, he was also assaulted. The complainant himself has stated that he suffered simple injuries on his face, back, chest and on his hands as well as on his thighs. According to the case of the complainant, he was given first aid in the place of his friend and he went to the hospital for treatment next day in the morning.

2. On plain reading of the complaint, it appears that the

incident appears to be the result of a dispute between the complainant and the accused. The complainant has stated that the Applicant was his friend earlier and later on the friendship did not survive. His case is that the Applicant was angry as the complainant was avoiding to meet him. The injuries suffered by the complainant even according to his own case are simple injuries. The offence is registered under sections 147, 149, 323, 364 read with Section 149 of the Indian Penal Code. The Applicant was arrested on 10th June 2005 and since then he is in custody. The age of the Applicant is stated to be only 21 years.

3. Considering the nature of the allegations made by the complainant in F.I.R. and considering the fact that the complainant has suffered only simple injuries, a case is made out for enlarging the Applicant on bail.

4. Hence I pass the following order :

i) The Applicant shall be enlarged on bail in connection with C.R.No.217 of 2005 registered with Nigadi Police Station, subject to furnishing a personal bond of Rs.10,000/- (Rupees ten thousand only) with two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall

not in any manner tamper with prosecution evidence.

iii) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) Application is disposed of in above terms.

vi) The parties to act upon an authenticated copy of this order.

JUDGE